REMARKS

In the present Office Action, claims 1-6 are listed as pending and rejected. However, in the Request for Continued Examination, claim 6 was cancelled. The status of the claims should be corrected to indicate that claims 1-5 are pending herein. Careful examination of the application is sincerely appreciated.

Applicant notes the request for formal drawings. Applicant proposes to submit formal drawings upon notice of allowance.

Claim 1 has been amended to clarify the subject matter presented at least with respect to retrieval information. Support for the amendment is found in claim 1 and in the specification at least at page 4, lines 19-23. No new matter has been added.

Claims 1 – 3 and 5 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,742,047 (hereinafter "Tso"). In response, the rejection is respectfully traversed.

In part, amended claim 1 calls for:

> *A data stream adaptation server for adapting data stream information, comprising:*
>
> > *receiving means for receiving retrieval information from a retrieval device connected to a computer network, said **retrieval information including data stream identification information and mode information, said mode information specifying a processing capability of the retrieval device;***
> >
> > ***source information memory means for storing address information of data stream information sources which can supply the data stream information corresponding to said data stream identification information included in the retrieval information;***
> >
> > *...*
> >
> > *data stream conversion means for converting the data stream information having a first compression or content format retrieved from the data stream information source into an adapted data stream information having **a second compression or content format adapted to the processing capability of the retrieval device as indicated by said mode information.*** [Emphasis supplied].

Tso fails to teach, show, or suggest that his server receives retrieval information from a retrieval device or client, wherein the retrieval information includes, "data stream identification information and mode information, said mode information specifying a processing capability of the retrieval device", as defined in claim 1. Tso also lacks even a remote suggestion of, "source information memory means for storing address information of data stream information sources which can supply the data stream information corresponding to said data stream identification information included in the retrieval information", as defined in claim 1. Finally, Tso does not

4

teach, show, or suggest that the information received from a content server is converted from a first format to a second format wherein the "second compression or content format adapted to the processing capability of the retrieval device as indicated by said mode information", as defined in claim 1.

Tso merely responds to a URL request from client to obtain a data stream from a content server at the designated URL. *See Tso at col. 9, lines 49 et seq.* In turn, Tso appears to provide transcoding based solely upon the content of the received data stream from the designated URL location. *See Tso at col. 10, line 37 through col. 11, line 28.* Tso does not even suggest that a client or user can provide an alternative or additional information to the content URL location, such as data stream identification information and mode information, as taught by Applicant.

In view of the important distinctions above, it is believed that Tso does not teach each and every element of claim 1 and therefore does not anticipate or make obvious claim 1. As a result, it is submitted that claim 1 and the claims dependent thereon, namely claims 2, 3, and 5, are allowable under both 35 U.S.C. §102 and 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Claim 4 stands rejected under 35 U.S.C. §103 as being unpatentable over Tso in view of U.S. Patent 6,546,421 (hereinafter "Wynblatt"). This rejection is respectfully traversed.

In the present Office Action, it is admitted that, "Tso does not explicitly teach 'the data stream conversion means (15) is adapted to encode the data stream information adapted to the retrieval device in accordance with the (Real Time Stream Protocol)'." (It should be noted that the quoted section of claim 4 in this part of the Office Action does not correspond to the amended version submitted with the RCE and now pending in the USPTO.) It was for this reason that the apparent teaching of Wynblatt was combined with Tso for this rejection.
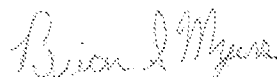
The combined references of Tso and Wynblatt still fail to teach, show, or suggest the elements of claim 1, the base claim for claim 4, as discussed above. Wynblatt does not cure any of the above-cited deficiencies in the apparent teachings of Tso.

In light of the reasons given above, it is believed that claim 4 would not have been obvious to a person of ordinary skill in the art upon a reading of Tso and Wynblatt, either separately or in combination. It is submitted that claim 4 is allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are solicited. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues. In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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